

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 3-6, 8-10, and 12-16 are pending. Claims 2, 7 and 11 have been canceled without prejudice or disclaimer of subject matter. Claims 1, 3-6, 8-10, and 12-16 are hereby amended. Support for this amendment is provided throughout the Specification, specifically at paragraphs [0083] and [0116] and Figure 8.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. OBJECTIONS

Claims 1-6, 8-10, and 12-16 were objected to due to informalities.

Claims 1-6, 8-10, and 12-16 are amended, thereby obviating the objections.

III. REJECTIONS UNDER 35 U.S.C. §101, §102(b), AND §103(a)

Claims 7, 11, 14, and 16 were rejected under 35 U.S.C. §101, as allegedly being directed to non-statutory subject matter.

Claims 1, 3, 5-12, and 14-16 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by European Patent No. 1,069,779 to Kitamura et al. (hereinafter, merely "Kitamura").

Claims 2 and 4 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kitamura in view of U.S. Patent No. 6,445,828 to Yim et al. (hereinafter, merely "Yim").

Claim 3 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kitamura in view of Yim and further in view of U.S. Patent No. 5,991,452 to Shimizu et al. (hereinafter, merely "Shimizu").

IV. RESPONSE TO REJECTIONS

A. Response to Rejections Under 35 U.S.C. §101

Claims 14 and 16 are amended, thereby obviating the rejections.

B. Response to Rejections Under 35 U.S.C. §102(b)

Claim 1 recites, *inter alia*:

"A signal processing apparatus...comprising:

...wherein whether the acquired previously-executed image coding information is used is determined based on at least whether the image data is an I-type and whether a phase of a past macro block agrees with that of a phase of a current macro block." (Emphasis added)

As understood by Applicants, Kitamura relates to a transcoder for executing a re-coding process on an encoded stream generated based on an MPEG standard in order to generate a re-coded stream having a different GOP structure of bit rate.

As understood by Applicants, Yim relates to a video editing system which resizes a video stream in a transform domain. The video editing system partial decodes a compressed video stream in order to obtain a transform domain representation of the video stream. The video editing system selects and applies appropriate matrices to the encoded blocks in order to resize the video stream in the transform domain.

As understood by Applicants, Shimizu relates to an image data compression apparatus for compressing the image data and compressing the code data.

Applicants submit that Kitamura fails to disclose or suggest the above-identified features of claim 1. Specifically, Kitamura is silent at wherein whether the acquired previously-executed image coding information is used is determined based on at least whether the image data is an I-type and whether a phase of a past macro block agrees with that of a phase of a current macro block, as recited in claim 1.

Claim 1 also recites two conditions, an I picture type and an agreement of phases, for determining whether to use acquired coding information. None of the references discloses or suggests the above-identified features of claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, amended independent claims 5-10 and 12-16 are also patentable.

V. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

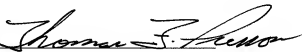
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 

Thomas F. Presson
Reg. No. 41,442
(212) 588-0800